

FORM TO BE USED BY A PRISONER IN FILING A CIVIL RIGHTS COMPLAINT

IN THE UNITED STATES DISTRICT COURT
FOR THE ~~WESTERN~~ DISTRICT OF PENNSYLVANIA
EASTERN(1) DERICK GIBSON #JP 2190 :
(Name of Plaintiff) (Inmate Number) :SCI- PINE GROVE 189 FLYOCK RD. INDIANA 15701 :
(Address) :(2) _____ :
(Name of Plaintiff) (Inmate Number) :

(Case Number)

(Address)

(Each named party must be numbered,
and all names must be printed or typed)

vs.

CIVIL COMPLAINT

(1) JOHNSON AND JOHNSON P.A. A1 :(2) M. BIDER-SIPPLE, Dept. Supt. :(3) BRITTANY HUNER, C.W.C.A :
(Names of Defendants) :(Each named party must be numbered,
and all names must be printed or typed)TO BE FILED UNDER: ☒ 42 U.S.C. § 1983 - STATE OFFICIALS☐ 28 U.S.C. § 1331 - FEDERAL OFFICIALS

I. PREVIOUS LAWSUITS

- A. If you have filed any other lawsuits in federal court while a prisoner, please list the caption and case number including year, as well as the name of the judicial officer to whom it was assigned:

2:10-cv-0384 DERICK GIBSON v. TROY WEIZ P.A. A1 / Honorable Judge J.Curtis Joyner2:10-cv-0382 DERICK GIBSON v. MARY FLEMING P.A. A1 / Honorable JudgeCynthia Reed Eddy

II. EXHAUSTION OF ADMINISTRATIVE REMEDIES

In order to proceed in federal court, you must fully exhaust any available administrative remedies as to each ground on which you request action.

- A. Is there a prisoner grievance procedure available at your present institution? ☒ Yes ☐ No
- B. Have you fully exhausted your available administrative remedies regarding each of your present claims? ☒ Yes ☐ No
- C. If your answer to "B" is Yes:
1. What steps did you take? Initial, Second level and Final Appeals
 2. What was the result? No Avail and Frustrated
- D. If your answer to "B" is No, explain why not: _____

III. DEFENDANTS: ARE ALL BEING SUED IN THEIR OFFICIAL AND INDIVIDUAL CAPACITY

- (1) Name of first defendant: JOHNSON AND JOHNSON
 Employed as PHARMACEUTICAL CO. ^{CEO} at JOHNSON AND JOHNSON
 Mailing address: ONE JOHNSON AND JOHNSON PLAZA, NEW BRUNSWICK, N.J. 08933
- (2) Name of second defendant: M. BISER-SIPPLE
 Employed as DEPUTY SUPERINTENDENT at SCI-PHOENIX
 Mailing address: 1200 MOXYCHIE DRIVE, COLLEGEVILLE, PA. 19426
- (3) Name of third defendant: BRITTANY HUNER
 Employed as CONNECTION MENTAL CARE ADMIN. at SCI-PHOENIX
 Mailing address: 1200 MOXYCHIE DRIVE, COLLEGEVILLE, PA. 19426
- (List any additional defendants, their employment, and addresses on extra sheets if necessary)

IV. STATEMENT OF CLAIM

(State here as briefly as possible the facts of your case. Describe how each defendant is involved, including dates and places. Do not give any legal arguments or cite any cases or statutes. Attach no more than three extra sheets if necessary.)

1. On or around May 2021 the Plaintiff was administered the JOHNSON AND JOHNSON (JENNSON) one shot COVID-19 VACCINATION without warning of bloodclots and potential death side effects, and shortly afterwards developed symptoms of leg, arms and stomach cramps, lightheadedness, headaches, tiredness, loss of appetite and bloodclot on his left elbow, difficult breathing, leg swelling and pain

III DEFENDANTS

4. DR. LATIZIO, physician/Medical Director

Employed as Medical Director at SCI-PHOENIX

Mailing Address: SCI-Phoenix 1200 Mokychir Dr., Collegeville, PA. 19426

IV. STATEMENT OF CLAIM

I notified Dept. Sipple, Ms. B. HUNER AND DR. LATIZIO thru sick call slips, grievances and hunger strikes. However, all of the Defendants refused to acknowledge my symptoms or send me to an outside hospital for treatment under the covid-19 PA. Doc protocol. The Defendants also refused to acknowledge these symptoms and obvious blood clot. DR. LATIZIO ordered an x-ray of my left elbow and although no cystic fibroids or matter existed intentionally mislabelled this blood clot as a cyst. DR. LATIZIO then performed two surgical procedures cutting open my left elbow to remove a cyst that did not exist that caused blood to leak out instead both procedures. I was again refused outside hospital treatment which would have treated and alleviated this blood clot and symptoms immediately.

2. After Johnson + Johnson, the PA. Doc AND SCI-Phoenix discontinued the administration of the J+J (Johnson) covid-19 vaccination due to these same stated illnesses the Plaintiff suffered for months from and also due to deaths. An outside physician brought into SCI-Phoenix temporarily then diagnosed my abscess on my left elbow as a blood clot then ordered the appropriate steroid treatment. The Defendants then took months to administer the adequate medical treatment needed and prescribed allowing the Plaintiff to continue to suffer as a result physically, psychologically & emotionally.

3. The Defendants Dept Sipple and Ms. HUNER in retaliation for his medical complaints and peaceful protest illegally charged and over charged the Plaintiff for medical fees and treatment from May of 2021 to August 2022 against PA. Doc policy and the law.

4. The conduct of Johnson and Johnson knowing prior test side effects, symptoms and potential for death or serious illness but still manufactured, distributed and administered the (JENNSAN) covid-19 VACCINATION and conduct of all of the Defendants placed the Plaintiff at serious risk and was a failure to protect, causing the Plaintiff to suffer maliciously for months from said physical symptoms and mental ones of serious depression, loss of focus, concentration and sleep, frequent loss of appetite weight, disorientation and stability. The Defendants actions and conduct created a deliberate indifference to PA. Doc DC-ADM policy and of the Plaintiff's rights under the United States Constitution 1st Amendment of access to redress, 8th Amendment Against cruel and unusual punishment and adequate medical care, 14th Amendment of Due Process and Equal Protection, state law against negligence, medical malpractice, intentional infliction of emotional pain, Breach of Protection, the Patient Bill of Rights and section 504 of the Patient ~~Rehabilitation~~ Act, causing unnecessary, intentional and prolonged pain, suffering and injury.

5. The Plaintiff has no plain, adequate or complete remedy at law to redress the wrongs described herein. Plaintiff has been and will continue to be irreparably injured by the conduct of the Defendants unless this court grants the declaratory and injunctive relief which plaintiff seeks.

2.

3.

V. RELIEF

(State briefly exactly what you want the court to do for you. Make no legal arguments. Cite no cases or statutes.)

1. I ask for six million dollars in financial and punitive damages from JOHNSON AND JOHNSON. ONE MILLION DOLLARS in financial compensation and punitive damages for any and all past, present and future physical, psychological and emotional pain, suffering and injury from each Defendant PA.DOT
2. Defendants pay the cost of this civil action and attorney fees and a sum total of nine million dollars
3. I DEMAND A JURY TRIAL

I declare under penalty of perjury that the foregoing is true and correct.

Signed this 25 day of October, 2022.

Derrick Wilson
(Signature of Plaintiff)

DERRICK GIBSON # JP2190
SCI - PINE GROVE
189 FLOCK ROAD
INDIANA, PA. 15701

PA DEPT
OF CORRECTIONS
INMATE MAIL

NEOPOST
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THE EASTERN DISTRICT OF PA.
601 MARKET STREET
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X-RAY

